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09/439,550	11/12/1999	CHRISTOPHER T. GRASTEIT	ETAK-07735US	1780

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/439,550

Applicant(s)

GRASTEIT, CHRISTOPHER T.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) 2,5 and 17-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5&6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Applicant has elected Claims 1, 3, 4, and 6-16 to be examined and cancelled Claims 2, 5, and 17-34 without traverse in a Response to Restriction filed 12/10/02 entered as Amendment A, paper no. 7.
2. The Applicant's newly submitted IDS filed 09/12/02 entered as paper no. 5 and the IDS filed 12/10/02 has been entered as paper no. 6 has been reviewed and approved. Applicant's previously submitted IDS filed 06/04/01 was entered as paper no. 2 and 11/20/01 was entered as paper no. 3.
3. The claim objection to the numbering of the claims has been overcome by Applicant's cancellation of claims and is hereby withdrawn.
4. The objection to the Abstract has been overcome by Applicant's amendment to the Abstract and is hereby withdrawn.
5. The Objection to the arrangement of the Specification is hereby withdrawn in view of Applicant's convincing argument.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 3, 4, and 6-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as explained below.

The invention as recited in claims 1,3,4, and 6-16 is merely an abstract idea that is not in the technological arts. Mere ideas in the abstract (i.e. abstract idea, law of nature, natural phenomena) that do not apply, involve use, or advance the technological arts

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fails to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and are found to be non-statutory subject matter.

#### 2.1 Claimed Inventions not implemented in the Technological art.

Claims 1,3, 4, and 6-16 recite steps of a method or elements for “displaying information including detailed addressing or location information of objects placed on a map, chart, graph, or other display types.” To be statutory under 35 USC 101, the utility of an invention must be in the technological art. Since the subject claims do not indicate the use of a computer or other technological means to carry out the steps of “identifying an anchor point; defining at least one radial ...; and associating at least one item ...”, a reasonable broad interpretation of the claim renders it outside of the technological art and therefore the claims are analyzed as being nonstatutory. In particular, it is noted that, although, the Specification discloses the technological aspects of a geocoded database, pages 4-6 and on-line maps, driving directions and electronic map display on a computer screen, page 2 for example), the claims fail to recite any technological implementation for the method recited thereof.

#### 2.2 Claimed Inventions lack practical utility.

The following analysis of claims 1, 3, and 6-16 under 35 USC § 101

Method claims 1, 3, 4, 6-16 recite a method for identifying an anchor point; defining at least one radial ...; and associating at least one item ...” comprising a series of steps to be performed *presumably* on a computer. A series of steps implemented on

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a computer may be statutory if it falls within one or the two safe harbors under the Guidelines.

A. Post-Computer Process Activity: The claimed invention would be statutory if it requires physical acts to be performed outside the computer independent of and following the steps to be performed by the computer, whose acts involve the manipulation of tangible physical objects and result in the object having a different physical attribute or structure.

B. Pre-Computer Process Activity: The claimed invention would also be statutory if it recites a pre-computer process activity (e.g. measurements of physical objects or activities to be transformed outside of the computer into computer data). Note that mere data gathering or accessing data from a processor does not meet the scope of this safe harbor (MPEP p. 2100-14).

Referring to claims 1, 3, 4, and 6-16, the claimed invention(s) do neither of these things. The method steps “identifying an anchor point; defining at least one radial ...; and associating at least one item ...” could be broadly interpreted as manual process steps.

The claims must be reviewed to see if they are directed to a practical application, i.e. if they produce a “useful, concrete and tangible result” (MPEP 26.II.A.). Claims 1,3,4, and 6-16 recite the limitation of a method to “identifying an anchor point”. The term “identifying an anchor point” is abstract since one cannot define in concrete and tangible terms what defining an anchor point is. The claimed invention(s) do not

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produce a “useful, concrete and tangible “ result. (See MPEP 2106.IV.B.2.(b).ii for discussion of Practical Application).

The claimed invention(s), therefore, are directed to non-statutory subject matter, i.e. an abstract idea without limitation to a practical application and are analyzed as non-statutory subject matter under 35 U.S.C. 101.

Ex parte Bowman, 61 USPQ2d 1669, 1671 (BD. Pat. App. & Inter. 2002). The Board affirmed the rejection under 35 U.S.C. 101 as being directed to nonstatutory subject matter and held that the disclosed and claimed invention is directed merely to human making mental computations and manually plotting results on paper chart, and thus is nothing more than an abstract idea which is not tied to any technological art and is not a useful art as contemplated by the Constitution. The abstract idea does not become a technological art merely by the recitation in the claim “transforming physical media into a chart” and “physically plotting a point on said chart.”

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following exemplary analysis applies to all claims.

Claim 1 recites a method comprising three steps. Steps (a), (b), and (c) recite “identifying an anchor point; defining at least one radial ...; and associating at least one item ...”. These limitations merely recite existence of an anchor point, defining at least one radial, associating at least one item relating to said anchor point. These limitations

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are void of any technological significance since no element(s) recited in the process accomplish the "identifying" steps.

All dependent claims 3, 4, and 6-16 inherit the same deficiency.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 4, and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,101,496) Esposito.

With respect to claim 1, Esposito teaches, identifying an anchor point (col. 1, lines 24-35, and col. 4, lines 9-17); defining at least one radial extending from the anchor point (col. 7, lines 12-53 and fig. 6). Esposito did not teach, associating at least one item relating to the anchor point with the radials. However, Esposito does show a radial (a line) extending from an anchor point (a star) in fig. 5. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to associate at least one item relating to the anchor point with the radials and to modify in Esposito because such a modification would allow Esposito to have a method or process of programmatically assign x and y coordinates (usually no limited to earth coordinates-i.e., latitude and longitude) to records, lists and files containing location information (full addresses, partial addresses, zip codes, census FIPS codes, etc.) for cartographic or any other form of spatial analysis or reference and to have the ability to

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map data in order to visualize information and explore relationships previously unavailable in strict database or spreadsheet analysis (see col. 1, lines 8-17).

With respect to claim 3, Esposito teaches, interpolating positions on a respective radial corresponding to each of outside data matches corresponding to the respective radial (col. 1, lines 59-67, col. 2, lines 1-45, and col. 6, lines 22-41) and placing a marker at each interpolated of the displayed respective radial (col. 5, lines 1-39 and lines 64-67, col. 6, lines 1-9, and col. 7, lines 39-53).

With respect to claim 4, Esposito teaches, wherein the marker is any of a point, notch, and icon representative of information associated with each outside data match (col. 7, lines 54-67 and col. 8, lines 1-24).

With respect to claim 6, Esposito teaches, storing the radials in a database (col. 6, lines 17-25 and fig. 3-1 (21 & 22); wherein, the step of identifying an anchor point (col. 1, lines 24-35 and col. 4, lines 9-17) comprises the step of identifying the anchor point in the database (col. 3, lines 25-54) and the step of associating comprises the step of associating information in the database with the radials, the information relating to the anchor point (col. 8, lines 12-24).

With respect to claim 7, Esposito teaches, wherein the database is a geocoded database of mapping information and the items are locations within an area associated with the anchor point (col. 1, lines 14-17 and lines 20-26, col. 3, lines 50-54, and col. 4, lines 9-17).

With respect to claim 8, Esposito did not teach, wherein the database is a database of satellite information, the anchor point represents a position on a globe, and



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the items are satellites orbiting above an approximate position of the anchor point, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a database of satellite information, the anchor point represent a position on a globe, and the items to be satellites orbiting above an approximate position of the anchor point and to modify in Esposito because such a modification would allow Esposito to have a location, RF signals which contain information indicative of the location of a source of their transmission are received and processed to derive the geographic coordinates of the location and the location in a database to be associated with a mobile computer system so as to form a geocoded entry in the database.

With respect to claim 9, Esposito did not teach, wherein each radial identifies at least one feature of at least one of the satellites, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have each radial identify at least one feature of at least one of the satellites and to modify in Esposito because such a modification would allow Esposito to provide the mobile computer system with current positioning information and to retrieve and to display points of interest having geocodes within a predetermined range.

With respect to claim 10, Esposito teaches, matching outside data to information associated with the items (col. 7, lines 54-67 and col. 8, lines 1-24) and displaying each radial having associated information that matches the outside data (col. 6, lines 22-33 and col. 7, lines 39-49).

With respect to claim 11, Esposito teaches, wherein the outside data is location information of data stored in the database (col. 5, lines 1-13).

With respect to claim 12, Esposito teaches, assigning a direction to each respective radial (col. 7, lines 21-36) and calculating an endpoint for each respective radial, defining each respective radial from the centroid to its endpoint (col. 7, lines 39-67, col.8, lines 1-20 and lines 29-40, and fig. 5).

With respect to claim 13, Esposito teaches, assigning a direction to each respective radial based on at least one or information and features of the item associated with the respective radial (col. 7, lines 54-57 and figs. 6 and 7).

With respect to claim 14, Esposito did not teach, wherein the information and features is at least one of a margin of error with which the anchor point identifies a location corresponding to the item, facilities, including any one of parking, food, and communications associated with the item, and any other information or features related to the item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the information and features to be at least one of a margin of error with which the anchor point identifies a location corresponding to the item, facilities, including any one of parking, food, and communications associated with the item, and any other information or features related to the item and to modify in Esposito because such a modification would allow Esposito to have at least one margin of error where the anchor point identifies a location corresponding to an item, facilities, including parking, food, and communications associated with an item because in a geocoded database the act, method or processes of programmatically assigning x and y

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coordinates to records, lists and files containing location information for cartographic or any other form of spatial analysis or reference particularly mapping data is well known for being subject to a margin of error.

With respect to claim 15, Esposito teaches, wherein the anchor point is a centroid and each item is a location within an area associated with the centroid (col. 2, lines 35-45, col. 4, lines 14-17, and col. 8, lines 29-34).

With respect to claim 16, Esposito teaches, wherein each radial identifies a location within an area of the centroid and a proximity of the location to the centroid (col. 3, lines 48-50 and lines 55-66 and col. 7, lines 29-33).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Gehani et al (US 5,946,687) disclosed a geo-enabled personal information manager computer program.

Hancock et al (US 6,202,023 B1) disclosed a geographic location referencing system and method.

Chojnacki et al (US 6,366,851 B1) disclosed an automatic centerline adjustment of shape point data for a geographic database.

Drussell et al (US 6,266,612 B1) disclosed a database accessible by a mobile computer system with the positioning information obtained from a GPS satellite.

Fruchterman et al (US 5,470,233) disclosed a global positioning system that helps a pedestrian navigate through a city.

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***Inquiries***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert  
February 19, 2003



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